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# Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

## Report of the Secretary-General*

*Summary*

The present report is submitted pursuant to Human Rights Council resolution 22/26 on the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. The report highlights the impact of the settlement-related activities and planning policies of Israel on Palestinians' human rights. It describes instances when the Government of Israel has failed to maintain public order, and stresses the almost complete lack of accountability regarding settler violence.

* Late submission.

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# Contents


| | | *Paragraphs* | *Page* |
|---|---|---|---|
| I. | Introduction | 1–3 | 3 |
| II. | Legal background | 4–5 | 3 |
| III. | Overview | 6–10 | 4 |
| IV. | Israeli planning policy in the West Bank, including East Jerusalem, and its impact on the human rights of Palestinians | 11–20 | 6 |
| V. | Impact of Israeli settlements and settler violence on the economic and social rights of Palestinians | 21–36 | 11 |
| VI. | Failure to maintain public order, settler violence and lack of accountability | 37–47 | 15 |
| VII. | Settlements in the occupied Syrian Golan | 48 | 17 |
| VIII. | Conclusions and recommendations | 49–55 | 18 |

# I. Introduction

1. In its resolution 22/26, the Human Rights Council affirmed that Israeli settlements and activities in the Occupied Palestinian Territory, including East Jerusalem, were illegal under international law and constituted very serious violations of international humanitarian law and of the human rights of the Palestinian people therein, and undermined international efforts aimed at invigorating the peace process and the realization of a two-State solution. Furthermore, the Council expressed grave concern at the continuing Israeli settlement and related activities, including the expansion of settlements, the expropriation of land, the demolition of houses, and the confiscation and destruction of property, which changed the physical character and demographic composition of the occupied territories, including East Jerusalem and the occupied Syrian Golan. The Council called upon Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem.

2. The present report addresses progress made in the implementation of Human Rights Council resolution 22/26 during the reporting period, from 22 March 2013 to 30 October 2013. Important information from November 2013 is included in instances where it is particularly relevant. The information contained in the report is based on monitoring and other information-gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations (NGOs) and media sources. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements.[1]

3. Previous reports outlined continuing Israeli settlement activities (A/HRC/20/13) and analysed various elements of the impact of Israeli settlement activities in the Occupied Palestinian Territory and settler violence on the human rights of Palestinians. The most recent report to the General Assembly (A/68/513) focused on the leading role played by the Government of Israel in the creation and expansion of settlements and the impact of such actions and of related legislation and public policies, on Palestinians' human rights. The present report also addresses the expansion of settlements during the reporting period, as relevant to the Council's call (see para. 1 above) in resolution 22/26, with particular attention to paragraphs 3 and 5. The report further complements the analysis in the Secretary-General's report to the General Assembly on Israeli settlements (A/68/513) by focusing on Israeli planning policy in the West Bank, including East Jerusalem, and the impact thereof on the human rights of Palestinians. Moreover, the report considers the impact of Israeli settlements and settler violence on the economic and social rights of Palestinians. Finally, in relation to paragraph 6 of resolution 22/26, the report provides an update on violent acts committed by Israeli settlers against Palestinians and their property, and stresses the lack of law enforcement and accountability in relation to such acts.

# II. Legal background

4. Israel, as the occupying Power in the Occupied Palestinian Territory, is bound by international human rights law and international humanitarian law, including as contained

[1] A/HRC/20/13, A/68/513, A/67/375, A/66/364, A/65/365, A/64/516 and A/63/519.

in international customary law. In particular, Israel is bound by the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and the Hague Regulations.[2] Article 49 of the Fourth Geneva Convention establishes that the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies. The Security Council,[3] the General Assembly,[4] the Human Rights Council[5] and the International Court of Justice[6] have all confirmed that the construction and expansion of Israeli settlements and other settlement-related activities in the Occupied Palestinian Territory are illegal under international law.

5. In the Occupied Palestinian Territory, including East Jerusalem, Israel must comply with obligations contained in the international human rights treaties that it has ratified, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Violence against Women and the Convention on the Rights of the Child. This has been confirmed by the International Court of Justice[7] and human rights treaty bodies.[8]

## III. Overview

6. As stated in previous reports of the Secretary-General, Israeli settlements are an obstacle to the creation of a future Palestinian State.[9] Despite the expressed commitment of Israel to freeze all settlement activity under the Quartet road map as well as multiple calls made by the international community for Israeli settlements in the West Bank, including East Jerusalem, to be stopped, the Government of Israel has continued to play a leading role in their creation and expansion, in violation of international law. During the reporting period, Israeli settlements continued to expand and new settlements were approved. According to the Israeli NGO Peace Now, during the reporting period, plans for 8,943 new settlement units were promoted by the Government of Israel, including 6,521 in the West Bank, excluding East Jerusalem, and 2,422 in East Jerusalem.[10] The NGO estimated that this would mean housing for more than 44,000 new Israeli settlers, assuming that the average size of a settler family is 5 persons.[11] Further, it appears that new settlement construction increased by 70 per cent in the first half of 2013, with the construction of

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[2] The Hague Regulations are annexed to the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV). The International Court of Justice has stated that even though Israel is not a party to this Convention, the Hague Regulations are applicable to Israel, as they have become part of customary law. See *Advisory Opinion of the International Court of Justice (ICJ) on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* of 2004 (A/ES-10/273 and Corr. 1), paras. 89-101.

[3] Security Council resolution 465 (1980).

[4] General Assembly resolution 65/104.

[5] Human Rights Council resolution 22/26.

[6] The Court concluded that Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, have been established in breach of international law (A/ES-10/273 and Corr.1, (note 2 above), para. 120).

[7] A/ES-10/273 and Corr. 1 (note 2 above), paras. 102-113.

[8] CERD/C/ISR/CO/14-16, para. 10, CRC/C/ISR/CO/2-4, para. 3. See also A/68/513, para. 5.

[9] A/64/516, para. 12; A/67/375, para. 6.

[10] Peace Now uses the term "promote" to indicate support from the Government of Israel in advancing new settlement units in the multi-stage planning process. Information provided by Peace Now.

[11] See peacenow.org/Bibis%20Settlements%20Boom%20-%20March-November%202013%20-%20FINAL.pdf.

1,708 units, 180 of them in outposts,[12] as compared with 995 units built during the same period in 2012.[13]

7. In addition, in October 2013 the Government of Israel announced the construction of 5,000 new units in Israeli settlements located in the West Bank, including East Jerusalem.[14] According to the media, the aim of this measure was to neutralize negative reactions towards the release of Palestinian prisoners in the context of the peace talks.[15] In November 2013, the media reported that the Prime Minister of Israel, Benjamin Netanyahu, had ordered the Minister of Housing and Construction, Uri Ariel, to reconsider construction plans for more than 20,000 housing units in Israeli settlements,[16] including in the E-1 block,[17] reportedly in order not to create an unnecessary confrontation with the international community.[18] However, as of 20 November 2013, those plans had not been withdrawn.

8. The population in Israeli settlements continues to grow. According to the Israeli Central Bureau of Statistics, the growth rate of the settler population in 2012 was 5 per cent, almost three times higher than the national growth rate, which was 1.9 per cent.[19] Estimations of the current settlement population in the West Bank, including East Jerusalem, range between 500,000 and 650,000.[20]

9. Israeli settlement activity, security measures adopted to protect settlers and their movement, and the violence committed by Israeli settlers against Palestinians and their property are behind most of the human rights violations against Palestinians in the West Bank, including East Jerusalem.[21] For example, settlements have given rise to multiple restrictions imposed by Israel on Palestinian construction, in particular in Area C,[22] making it virtually impossible for Palestinians to obtain building permits for homes and infrastructure.[23] As noted below, these restrictions often leave Palestinians with no other option than to build without permits, risking eviction and the demolition of their structures and their subsequent displacement (see paras. 11-20 below). As previously reported, in many cases, the demolition of Palestinian homes lacking building permits is linked to settlement expansion.[24] According to the Office for the Coordination of Humanitarian

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[12] Outposts are settlements which, although often established with some kind of Government support, are not officially recognized under Israeli law.

[13] See peacenow.org.il/eng/Jan-Jun-2013.

[14] Mainly for the expansion of the Ramat Shlomo settlement and the construction of a national park on Mount Scopus.

[15] See www.haaretz.com/news/diplomacy-defense/.premium-1.555373 www.timesofisrael.com/5000-new-settlement-units-said-to-be-in-the-works/ www.yourmiddleeast.com/news/israel-planning-another-3360-settler-homes_19078.

[16] See peacenow.org/entries/updated_new_peace_nowapn_report_bibis_settlements_boom_--_even_bigger_than_was_known#more.

[17] Area of the West Bank within the municipal boundary of Ma'ale Adumim settlement, adjacent to East Jerusalem. Plans to construct settlements in E-1 would create an urban block between Ma'ale Adumim and Jerusalem, exacerbate the isolation of East Jerusalem from the rest of the West Bank, and interrupt the territorial contiguity of the West Bank. See www.btselem.org/settlements/20121202_e1_human_rights_ramifications.

[18] See www.bbc.co.uk/news/world-middle-east-24919030.

[19] See www.jpost.com/National-News/2012-West-Bank-settler-population-growing-almost-three-times-as-fast-as-national-rate-326309.

[20] A/68/513, para. 10.

[21] A/68/513, para. 12; A/66/364.

[22] The Oslo Accords divided the West Bank into Areas A, B and C. Area C comprises approximately 61 per cent of the West Bank and is under almost full Israeli military and civilian authority.

[23] A/68/513, paras. 31-33.

[24] A/HRC/22/63, paras. 62-71; A/67/375, para. 8; A/66/364, para. 11.

Affairs of the United Nations, in the Occupied Palestinian Territory, 392 Palestinian structures were demolished in the West Bank, including East Jerusalem, during the reporting period, displacing 588 people, including 272 children.[25]

10. The situation in East Jerusalem remains an issue of concern. Between November 2012 and October 2013, 99 Palestinian structures were demolished, displacing 320 people, including 161 children.[26] In addition, new housing units in settlements situated in East Jerusalem were approved. For example, in August 2013, the Jerusalem Municipality Local Planning and Construction Committee approved the building of 58 housing units in the Pisgat Ze'ev settlement. The media reported that the Mayor of Jerusalem had voiced his support for a government plan to construct 793 new homes: including 400 in Gilo, 210 in Har Homa and 183 in Pisgat Ze'ev.[27] In November 2013, demolition orders for 10 apartment buildings in the Ras Khamis neighbourhood were issued. If implemented, they would result in the displacement of some 1,500 Palestinians.[28] Residents of Silwan have affirmed that they also received several demolition orders around the end of October.[29]

# IV. Israeli planning policy in the West Bank, including East Jerusalem, and its impact on the human rights of Palestinians

## Nature of planning policy, law[30] and practice

11. The establishment and expansion of Israeli settlements in the West Bank, including East Jerusalem, is associated with a complex system of policies that negatively affect the human rights of Palestinians.[31] The planning policy which regulates the construction of housing and structures in the West Bank,[32] including East Jerusalem, is extremely problematic.[33] The Secretary-General[34] and the Committee on the Elimination of Racial Discrimination[35] have previously noted the discriminatory nature of Israeli planning policy. For instance, in East Jerusalem, Israeli authorities have planned and zoned only 13 per cent of the city, most of which is already built up, for Palestinian construction. In addition,

[25] Information provided by OCHA.

[26] Ibid.

[27] See www.jpost.com/Diplomacy-and-Politics/Jerusalem-Municipality-approves-construction-in-Pisgat-Zeev-328324.

[28] Information provided by OCHA.

[29] See www.haaretz.com/news/diplomacy-defense/.premium-1.556071 and www.maannews.net/eng/ViewDetails.aspx?ID=643164.

[30] For the purpose of this report the term "law" includes regulation through military orders.

[31] A/66/364, para. 8.

[32] The planning regime in the West Bank is governed by a system of laws which were in force before 1967, when Israel occupied the West Bank. This system comprises three layers: the Ottoman, the British Mandate and the Jordanian Law. Israel has amended the system mainly through military orders. See www.yesh-din.org/postview.asp?postid=254.

[33] Planning and development in East Jerusalem is governed by Israeli national planning institutions. See "Planning to fail: the planning regime in Area C of the West Bank: an international law perspective", Diakonia International Humanitarian Law Resource Centre Legal Report, September 2013, available from: www.diakonia.se/documents/public/ihl/publications/Planning-to-fail-reportsept2013.pdf.

[34] See A/66/364.

[35] In 2012, the Committee expressed concern regarding the discriminatory planning policy of Israel and urged it to reconsider it entirely in order to guarantee Palestinian and Bedouin rights to property, access to land, access to housing and access to natural resources (CERD/C/ISR/CO/14-16, para. 25).

Palestinians undergo a long and costly process before a building permit within this area may be granted. Even if requirements to obtain a building permit in West Jerusalem are similar, underinvestment by the Municipality in public infrastructure and the inequitable allocation of budgetary resources in East Jerusalem make it very difficult for Palestinians to fulfil all requirements to obtain a permit.[36] As a result, at least 33 per cent of Palestinian homes in East Jerusalem lack Israeli-issued building permits, placing at least 93,100 residents at risk of eviction, demolition of their homes and displacement.[37]

12. In Area C of the West Bank, Palestinians are not allowed to build on approximately 70 per cent of the land mass and are subject to severe restrictions regarding construction in the remaining 30 per cent.[38] Less than 1 per cent of Area C has been planned for Palestinian urban development.[39] Palestinians are not represented in the planning process, unlike Israeli settlers.[40] The combination of these factors makes it virtually impossible for Palestinians to obtain a permit to construct homes or infrastructure in Area C. Many Palestinians therefore build without building permits, putting them at risk of eviction, demolition of their homes and displacement.[41] According to the Israeli Civil Administration (ICA), between 2009 and 2012, only 2.3 per cent of the permit applications by Palestinians in Area C were approved.[42] Between 30 November 2012 and 30 October 2013, 477 Palestinian structures were demolished in Area C, which caused the eviction and displacement of 644 people, half of them children.[43]

13. In contrast, Israeli authorities have provided settlements with detailed planning and established preferential policies, including granting incentives and benefits to settlers, allocating settlements land for expansion and connecting them to public services and infrastructure.[44] In addition, the strict application of planning laws to Palestinian communities, which causes a large number of evictions and demolitions of Palestinian structures, contrasts with the flexibility shown by the planning authorities towards Israeli settlements.[45] The widespread lack of enforcement of laws granting the power to evict and demolish structures when they are violated by Israeli settlers further highlights the differentiated application of planning policy.[46] For instance, in Area C, in the period 2010–2012, 2,418 demolition orders were issued for Palestinian buildings, while only 1,143 demolition orders were issued for Israeli settlement buildings.[47]

14. Israeli planning policy is thus discriminatory against Palestinians as compared with Israeli settlers. As illustrated above, even if the planning laws in principle do not establish different requirements for Palestinians and Israeli settlers, they impose unachievable conditions for Palestinian construction. In contrast, Israeli settlers do not face such difficulties, for instance regarding the allocation of building permits and participation in the

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[36] A/66/364, paras. 13-15.

[37] See www.ochaopt.org/documents/ocha_opt_Jerusalem_FactSheet_December_2012_english.pdf.

[38] A/68/513, paras. 30-33.

[39] See www.ochaopt.org/documents/ocha_opt_area_c_factsheet_January_2013_english.pdf.

[40] A/68/513, para. 32. See also B Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, "Acting the landlord: Israel's policy in Area C" (June 2013), p. 13. Available from www.btselem.org/download/201306_area_c_report_eng.pdf.

[41] A/68/513, paras. 30-33 and A/66/364, para. 19.

[42] Information provided by the Office for the Coordination of Humanitarian Affairs.

[43] Ibid.

[44] A/68/513, paras. 23-29 and 34.

[45] See *Land Grab, Israel's Settlement Policy in the West Bank, May 2002,* available from: www.btselem.org/download/200205_land_grab_eng.pdf.

[46] A/68/513, para. 34. See also: "The road to dispossession – a case study: the outpost of Adei-Ad", Yesh Din, 18 April 2013, available from www.yesh-din.org/postview.asp?postid=254.

[47] Information provided by ICA to OCHA.

planning process.[48] This is in clear contravention of the international human rights obligations of Israel, in particular the principle of non-discrimination in relation to the right to adequate housing contained in the International Covenant on Economic, Social and Cultural Rights,[49] which has been ratified by Israel. By not upholding that principle, Israel is violating an international obligation of immediate effect.[50] Furthermore, it is violating the rule of law by virtue of a discriminatory application of the law against Palestinians, in this case the planning regime. In this respect, Israel is violating articles 2 (non-discrimination and equality before the law) and 26 (equal protection of the law) of the International Covenant on Civil and Political Rights, to which it is also a party.[51]

## Impact of planning policy, law and practice on the human rights of Palestinians

15. The planning policy undermines one of the most important components of the right to adequate housing, namely security of tenure. The Committee on Economic, Social and Cultural Rights has established that everyone should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.[52] The Committee has also affirmed that States must take immediate measures aimed at conferring legal security of tenure upon those persons and households lacking such protection, in genuine consultation with affected persons and groups.[53] Israel is not complying with this obligation, since it is not taking any steps to protect the security of tenure of Palestinians. On the contrary, its planning policy, law and practice expose them to constant risks of forced eviction, demolition and displacement, which interferes directly with their enjoyment of the right to adequate housing. In addition, as previously reported, Palestinians cannot participate in the planning process,[54] in violation of the right to participate in public decision-making.[55]

16. Land ownership and possession is another element of the right of Palestinians to adequate housing which is affected by Israeli planning policy and, more broadly, by Israeli settlement-related activities.[56] As stated by the former Special Rapporteur on the right to

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[48] According to B'tselem, despite the fact that the same legal and institutional system is responsible for planning in Palestinian areas and in the settlements, the criteria applied are diametrically opposed. See *Land Grab, Israel's Settlement Policy in the West Bank* (note 45 above), p. 88.

[49] Article 11 consecrates the right to an adequate standard of living, which includes the right to adequate housing, food and clothing.

[50] Under the International Covenant on Economic, Social and Cultural Rights, States have the obligation to achieve progressively the rights contained in the Covenant, it being recognized that the realization of economic, social and cultural rights may take some time, owing to resource implications. However, some principles and components of such rights are of immediate effect, notably the principle of non-discrimination.

[51] While examining Israel, the Human Rights Committee expressed concern regarding "the discriminatory municipal planning systems, in particular in 'area C' of the West Bank and in East Jerusalem, disproportionately favouring the Jewish population of these areas", CCPR/C/ISR/CO/3; A/66/364, para. 7.

[52] Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions.

[53] Committee on Economic, Social and Cultural Rights, general comment No. 4 (1992) on the right to adequate housing.

[54] A/68/513, para. 32.

[55] Committee on Economic, Social and Cultural Rights, general comment No. 4, para. 9.

[56] While land-related rights are a fundamental element of the right to adequate housing, there is no recognition of a human right to land. See UN Habitat, "The Right to Adequate Housing", Fact Sheet

adequate housing, this element is often essential to understanding the seriousness of the violations of the right to adequate housing.[57] Israel has been using different methods to seize land for settlements amounting to almost half of the West Bank.[58]

17. Israeli control of land, and the takeover of land by Israeli settlers, often have as a consequence that Palestinians are dispossessed of their land. The case of the Israeli settlement outpost of Adei Ad illustrates the infringement of the right to adequate housing of Palestinians as a result of the takeover of land by settlers and the failure to enforce planning laws. Adei Ad was founded in 1998 by Israeli settlers who invaded a hilltop next to the villages of Turmusaya, Al-Mughayyr, Jalud and Qaryut in the West Bank. The outpost was established in contravention of Israeli planning law. It was built without a government decision to establish it, without its jurisdiction being delineated by an order of the Commanding Officer of the Central Command, without a detailed plan by virtue of which building permits can be issued and, consequently, without a building permit.[59] In spite of the illegality deriving from the violation of these laws, the outpost was and continues to be supported by government bodies, including the Settlement Division of the World Zionist Organization,[60] through funding and allocation of land, as well as by the Israel Electric Corporation and Mekorot (Israel National Water Company) through the provision of services.[61] Although it is reported that the Israeli Civil Administration issued 81 demolition orders against structures in Adei Ad, only very few have been enforced.[62]

18. It appears that various criminal and administrative offences have been committed by settlers against Palestinians in the area surrounding the outpost of Adei Ad, including fencing and cultivating land, trespassing, vandalism of Palestinian property and evicting Palestinians or preventing them from accessing their plots, sometimes through harassment and violence. In addition, the Israel Defense Forces (IDF) defined extensive non-entry zones for Palestinians, who, in many cases, are required to coordinate with IDF to gain access to agricultural areas.[63] As a result, Palestinians often have no access to agricultural lands they cultivated before the establishment of the outpost.[64] This has had an impact on their right to work, as their economies and way of life were based on agriculture.[65] Moreover, this situation has hindered their access to basic means of livelihood and services, which are essential elements of the right to housing and are linked to the fulfilment of the

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No. 21 (Rev. 1), available from: www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

[57] A/HRC/4/18, para. 25.

[58] A/68/513, paras. 17-22.

[59] "The road to dispossession" (note 46 above), pp. 7-8.

[60] The Division's role is to assist the Government in establishing Israeli settlements in the West Bank. Its budget comes entirely from the State treasury. See www.mfa.gov.il/mfa/aboutisrael/state/law/pages/summary%20of%20opinion%20concerning%20unauthorized%20outposts%20-%20talya%20sason%20adv.aspx; A/68/513, para. 9.

[61] "The road to dispossession" (note 46 above), pp. 44-56.

[62] Ibid., p. 79.

[63] www.ochaopt.org/documents/ocha_opt_al_mughayyir%20_case_study_2013_10_22_english.pdf

[64] Adei Ad is built on both unregistered Palestinian land and State land. See "The road to dispossession" (note 46 above), p. 8.

[65] According to the Palestinian Institute for the Study of Economic Policy (MAS), 34 per cent of Palestinian agricultural land in the West Bank is not accessible to its owners. The study indicates four main causes: settlements, the Wall, closed military zones and methods of enclosure. See MAS, *Food Security Bulletin*, Issue 7 (2012), cited in "Israeli settlers' agriculture as a means of land takeover in the West Bank", Kerem Navot, 2013.

rights to food, water, health and education and, generally, to an adequate standard of living (see paras. 21-29 and 34-36 above).[66]

19. The case of Adei Ad illustrates the impact of Israeli planning policies on the enjoyment of economic, social, civil and political rights by Palestinians.[67] The obligations of Israel under international law include the duty to respect human rights by refraining from interfering with enjoyment of these rights, for instance, by refraining from denying Palestinians security of tenure and from implementing eviction and demolition orders based on discriminatory planning policies, laws and practices. In addition, protecting human rights entails ensuring law enforcement and accountability for settler violence to prevent third parties from interfering with Palestinians' enjoyment of their rights (see paras. 42-47 below). Finally, the fulfilment of Palestinians' rights requires, for example, amendment of the planning regime in order to eliminate discriminatory practices, while guaranteeing Palestinians full participation in the definition and implementation of planning policies.

20. Similarly, Israeli planning policies do not comply with the country's obligations under international humanitarian law. Israel amended the Jordanian planning law in force at the beginning of the occupation to such an extent that it exceeded the competence afforded to it, as occupying Power, to legislate.[68] The amendment eliminated Palestinian participation in the planning process while creating special planning bodies exclusively for Israeli settlements (Local Planning Councils). Moreover, Israeli planning policies have important long-term implications for the Occupied Palestinian Territory and the Palestinian population therein, which are not reconcilable with the temporary nature of occupation.[69] In addition, the occupying Power should look after the welfare of the population in the occupied territory.[70] The large number of evictions and demolitions suffered by the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem, as well as the negative human rights impact thereof, indicate that such measures have not been aimed at ensuring the welfare of the Palestinian population.[71]

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[66] See also A/68/513, paras. 36-41.

[67] In its general comment No. 4, paragraph 9, the Committee on Economic, Social and Cultural Rights highlighted the relationship between the right to adequate housing and civil, political, economic, social and cultural rights: "the full enjoyment of other rights – such as the right to freedom of expression, the right to freedom of association (such as for tenants and other community-based groups), the right to freedom of residence and the right to participate in public decision-making – is indispensable if the right to adequate housing is to be realized and maintained by all groups in society. Similarly, the right not to be subjected to arbitrary or unlawful interference with one's privacy, family, home or correspondence constitutes a very important dimension in defining the right to adequate housing".

[68] A/68/513, para. 32.

[69] According to the International Committee of the Red Cross, the temporary nature of occupation is one of the most important principles governing occupation. See www.icrc.org/eng/resources/documents/misc/634kfc.htm.

[70] See, in particular, article 43 of the Hague Regulations, on the obligation to ensure public order and the safety of the occupied population, and article 27 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention), on the obligation of protecting the rights of protected persons. According to the Israeli Supreme Court, the military commander must consider two factors in the Occupied Palestinian Territory: ensuring military or security needs and ensuring the welfare of the local population (HCJ 393/82, Jamait Askan et al. *v.* IDF Commander of Judea and Samaria et al, 37(4) PD, p. 785 (1983), in particular para. 27). See also David Kretzmer, "The law of belligerent occupation in the Supreme Court of Israel", *International Review of the Red Cross*, Vol. 94, no. 885, 2012, pp. 216-222.

[71] Diakonia, "Planning to Fail", (note 33 above) pp. 22-23.

# V. Impact of Israeli settlements and settler violence on the economic and social rights of Palestinians

## Access to land and water

21. Settlements occupy a sizeable part of Palestinian land, making it impossible for Palestinians to develop or maintain their natural resources in any meaningful or sustainable manner. Of the land in the West Bank, 43 per cent has been allocated to settlements.[72] This situation, coupled with the fact that Israel has responsibility for planning and zoning throughout Area C, greatly hampers the exercise by Palestinians of a wide range of economic and social rights (see paras. 15-20 above).

22. Israel controls all sources of water in the West Bank and effectively prevents Palestinians from adequately maintaining or developing water resources. Israel obtains approximately a third of the water it uses from the Jordan River,[73] while Palestinians are denied access to the riverbanks. Israel also extracts a significant portion of its water from the Mountain Aquifer, the largest water resource in the region.[74]

23. The Israel national water company, Mekorot, owns all water supply systems in the West Bank and supplies approximately 50 per cent of the water available to Palestinian communities. Mekorot reportedly significantly reduces the Palestinian water supply during the summer months, in order to meet consumption needs in Israel and in the settlements.[75] One emblematic example is that of the village of Kufr al-Deek, near Ariel, one of the largest Israeli settlements in the West Bank. When supplies of water are low in the summer months, Mekorot closes the valves that supply Kufr al-Deek so as not to affect Ariel's water supply. Ariel also discharges wastewater inappropriately, resulting in contamination of the spring wells on which residents of Kufr al-Deek rely both for drinking water and for agriculture.[76]

24. Because of these severe water cuts and the limited coverage of the water network in the Occupied Palestinian Territory, many Palestinian communities are forced to purchase water delivered by water tankers at a cost which is reportedly eight times or more what settlers are paying. This is the case even though much of the water may have originally been extracted from Palestinian sources.[77] Israeli settlers consume a daily average of 369 litres of water for domestic use, while Palestinians have access to only 70 litres per person per day.[78] According to the World Health Organization, 100 litres or more per person per day provides optimal access, whereas between 50 and 100 litres of water per person per day are needed to ensure that most basic needs are met and few health concerns arise.[79]

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[72] A/68/513, para. 36.

[73] Al Haq, Water factsheet 1: "Geography and hydrology of water Resources in the Occupied Palestinian Territory" (22 March 2013).

[74] Ibid.

[75] A/HRC/22/63, para. 84; A/61/500/Add.1, para. 29.

[76] Palestinian Hydrology Group, "Wastewater from Ariel settlement pollutes Palestinian water supply in Salfit" (2010).

[77] The water purchased from contractors costs as much as three times the highest price of water for household consumption in Tel Aviv. See www.btselem.org/water/restrictions_in_area_c.

[78] A/68/513, para. 38.

[79] See OHCHR, Human Rights Fact Sheet No. 35, "The right to water", available from www.ohchr.org/Documents/Publications/FactSheet35en.pdf .
See also World Health Organization, "Domestic water quantity, service level and health" (2003), available from: www.who.int/water_sanitation_health/diseases/WSH03.02.pdf.

25. In addition, many cases have been documented of settlers forcibly taking over Palestinian water resources, through violence, threats and intimidation. Settlers also erect physical obstacles, such as fences, preventing Palestinians from accessing wells.[80] In the case of 40 out of 56 water springs surveyed by the Office for the Coordination of Humanitarian Affairs in the course of 2011, Israeli settlers had even begun to develop the surrounding areas as a "tourist attraction", installing signs, picnic tables and other recreational infrastructure. Many of those initiatives are promoted and funded by Israeli governmental or semi-governmental institutions.[81]

## Right to an adequate standard of living

26. Besides being a vital element of Palestinian culture, olive farming is a mainstay of the Palestinian economy. According to the Food and Agriculture Organization of the United Nations, olive production accounts for as much as 25 per cent of the total value of agricultural income in the Occupied Palestinian Territory, with approximately 100,000 families dependent to some extent on olive farming for their livelihoods.[82] The majority of olive trees in the West Bank are rain-fed, making olive farmers vulnerable to drought. Irrigation techniques could improve the situation significantly; however, as described above, Palestinians lack meaningful access to most water resources and must purchase water from the drinking water supply for irrigation purposes. Only 6.8 per cent of the cultivated land in the West Bank is irrigated.[83]

27. Israeli settlements, on the other hand, are supplied with ample water and many engage in cultivation of crops that require large amounts of water, such as bananas. Palestinian producers are unable to compete in these conditions, which results in settlement products dominating Palestinian markets.[84]

28. Settlers often attack Palestinian agricultural lands and destroy olive trees. During the reporting period, the Office for the Coordination of Humanitarian Affairs recorded 270 incidents in the context of settler-related violence leading to the injury of 103 Palestinians and damage to around 6,660 trees owned by Palestinians. During the same period in 2012, 249 incidents affecting Palestinians were documented, resulting in injury to 97 Palestinians and damage to 6,150 trees.[85] A damaged 50-year-old olive tree requires five years to bear fruit again, and 20 years to reach a significant level of production. For each damaged 50-year-old tree, there are associated average costs of US$ 750.[86] Settler violence is also often directed at the herds of herding communities (see para. 42 below).

29. The situations described above affect the right to work of those Palestinians whose way of life is based on agriculture. In addition they hinder their access to means of livelihood, affecting several of their human rights (see paras. 15-20 above).

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[80] The Office for the Coordination of Humanitarian Affairs, "How dispossession happens: the humanitarian impact of the takeover of Palestinian water springs by Israeli settlers" (March 2012).

[81] Ibid.

[82] FAO, "Overview of the Olive Sector in the West Bank and the Gaza Strip" (October 2013).

[83] Emergency Water Sanitation and Hygiene in the occupied Palestinian territory (EWASH), Fact Sheet 14: "Water for agriculture in the West Bank" (March 2013).

[84] Ibid.

[85] Information provided by the Office for the Coordination of Humanitarian Affairs.

[86] FAO Food Security Unit 2013, cited in Protection Cluster Working Group, "Update on settler violence in the West Bank, including East Jerusalem" (October 2013).

## Environmental pollution caused by settlements

30. Israeli settlements in the West Bank have exacerbated existing environmental concerns. In a joint study,[87] official Israeli sources found that 81 out of 121 Israeli settlements are connected to waste treatment facilities. Nonetheless, 5.5 million cubic meters of raw wastewater continues to flow from settlements into the West Bank.[88] Furthermore, 80 per cent of solid waste generated by settlers is dumped at dumping sites not designed as sanitary landfills, located in the West Bank.[89]

31. Israel transfers electronic waste (e-waste)[90] from Israel and Israeli settlements to areas near Palestinian communities in the West Bank.[91] For instance, many irregular e-waste workshops in Idhna, Hebron, operated by backyard recyclers, are located near water wells, resulting in toxic chemicals and toxins such as mercury leaking into the ground and contaminating the water supply. Many workshops are located in the vicinity of agricultural lands, posing a threat to the agro-biodiversity and to the quality of agricultural products. According to local physicians, there appears to be a link between e-waste and the rise in various forms of cancer affecting Palestinians.[92]

32. Human rights organizations have reported and warned of the impact of dumping industrial and chemical waste from industrial Israeli settlements, such as the Barqan Industrial Park and chemical factories[93] in the West Bank. For example, the settlement of Ariel dumps liquid waste sewage and industrial waste into a stream and on agricultural land, rendering it contaminated and unworkable.[94] Ariel's treatment plant ceased functioning in 2008 and the settlement's wastewater has been flowing into the Al Matwi stream and Salfit[95] and then west, through agricultural land to the villages of Bruqin and Kufr al-Deek,[96] passing near a domestic artesian well.[97]

33. As noted above (see sect. IV), Israel applies restrictive policies, laws and practices to Palestinian structures in the West Bank, including East Jerusalem. This also applies to

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[87] By the Israel Nature and Parks Authority Environment Unit, the Water and Streams Department in the Ministry of Environmental Protection and the environmental-protection staff officer in the Civil Administration. See B'Tselem, "Foul play: neglect of wastewater treatment in the West Bank" (June 2009,) available from www.btselem.org/download/200906_foul_play_eng.pdf.

[88] The majority of the 81 settlements are connected to waste water facilities which are dysfunctional, defective and/or do not meet the standards required in Israel. See B'Tselem, "Foul play" (note 87 above).

[89] Jad Isaac and Jane Hilal (2011), "Palestinian Landscape and the Israeli-Palestinian conflict", International Journal of Environmental Studies, Vol. 68, No. 4, 413-429, August 2011, p. 426.

[90] According to EU Directive 2002a, E-waste, or waste electrical and electronic equipment (WEEE) is "electrical or electronic equipment which is waste including all components, subassemblies, and consumables, which are part of the product at the time of discarding", see United Nations Environment Programme, *E-waste Vol. 1* (2007), available from www.unep.org/ietc/Portals/136/Publications/Waste%20Management/EWasteManual_Vol1.pdf

[91] Applied Research Institute – Jerusalem (ARIJ) in cooperation with the Sunflower Association for Human and Environmental Protection, "The impacts of electronic waste disposal on the environment and public health in the occupied Palestinian territory: a case study from Idhna, Hebron Government" (2012), pp. 4-5.

[92] Ibid., pp. 9-10.

[93] Isaac and Hilal (note 89 above), pp. 426-427.

[94] Friends of the Earth International observer mission to the West Bank, "Environmental Nakba: environmental injustice and violations of the Israeli occupation of Palestine (2012), p. 11.

[95] Ibid.

[96] B'Tselem, "Foul play" (note 87 above), p. 29.

[97] Isaac and Hilal (note 89 above), pp. 413-429.

waste management infrastructure projects, which has resulted in the curbing of Palestinian projects, especially in Area C.[98] As Areas A and B are already mostly built up, the suitable locations for waste treatment sites are in Area C. The situation appears to be aggravated by delays in the Israeli approval and licensing process, which can last for over a decade.[99] In addition, Israel has also made the development of projects on serving settlements,[100] which worsens the situation, as the Palestinian Authority systematically refuses to engage with settlements, to avoid giving legal recognition to them. For instance, Israel refused a construction licence to a German-funded project in 2009 for the construction of a water treatment plant for Salfit in Area C. The rejection was premised on the interest of Israel in a joint project which would include treatment of Ariel's wastewater. The proposal entailed the untreated wastewater travelling 12 kilometres through the villages of Bruqin and Kufr al-Deek towards the Green Line, where the proposed plant would be erected.[101]

## Right to education

34. Cases have been documented of groups of settlers attacking schools in Palestinian villages. For example, the United Nations Children's Fund (UNICEF) documented five incidents of attacks on schools in the village of Urif, south of Nablus, and close to the settlement of Yitzhar, from January to June 2013.[102] These attacks usually led to clashes between the settlers and the residents, followed by interventions by the Israeli Security Forces (ISF) using tear gas, rubber-coated metal bullets and live ammunition to disperse Palestinians.

35. In a case documented by OHCHR, on 24 October 2013 a group of approximately 30 settlers, most of them masked, attacked the school in Jalud village. Some threw stones at the school, while others attempted to enter the schoolyard from the main gate and through the fence. The teachers locked the door from the inside, in order to protect the children. The settlers proceeded to destroy the cars parked in and around the school, and subsequently set fire to olive groves nearby. As a result of the attack, five cars were destroyed and more than 350 olive trees burned. Jalud is surrounded by six Israeli settlements, in addition to an IDF camp, and is the target of frequent settler violence, especially during the olive harvest. According to the information available to OHCHR, the Israeli police subsequently arrested four suspects for this attack.

36. Besides attacking schools, settlers also often engage in violent attacks on children on their way to or from school, including throwing stones at school buses. In some locations on the West Bank, ISF provide escorts for children to ensure their safety; however, these escorts are often unreliable and frequently fail to show up.[103]

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[98] "Building and administrative restrictions imposed by the Israeli authorities impede the establishment of new solid and sewage waste facilities to help to alleviate waste disposal issues", from "Barrier impacts on waste management", Barrier Monitoring Unit (BMU) and ARIJ, 2012.

[99] On 31 October 2013, the Minister of the Palestinian Water Authority stated that delays in approval of projects entail changing the locations several times, often causing the loss of funding. For instance, in 2010, Israel approved a water treatment project for West Nablus submitted in 1997. See also B'Tselem, "Foul play" (note 87 above), pp. 19-21.

[100] Barrier Impacts on Waste Management (note 98 above); and B'tselem, Foul Play (note 87 above), pp. 21-22.

[101] The Current Environmental Situation in Salfit, ARIJ, 2008, p. 1, available from http://www.poica.org/editor/case_studies/salfit-environ.pdf (in Arabic).

[102] Information obtained through the Monitoring and Reporting Mechanism on Grave Child Rights Violations.

[103] A/HRC/22/63, para. 53.

# VI. Failure to maintain public order, settler violence and lack of accountability

37. Israeli settlers continued to attack Palestinians and their property in the West Bank, including East Jerusalem, during the reporting period. The lack of effective accountability and protection from such incidents by the Israeli authorities continues to be of serious concern.[104] The enduring failure of Israel to comply with its legal obligations in this regard is part of wider systemic failures to guarantee Palestinians' human rights.[105] This has allowed settler violence to continue unabated and even, at times, to flourish (see para. 39 below).

38. Israel is obliged under international law to protect Palestinians and their property from acts of violence by settlers, to ensure accountability for crimes committed, and to provide a remedy for any violations suffered. This derives from the obligations of Israel as an occupying Power, including its obligations to protect Palestinians in the occupied territory and guarantee their rights,[106] which entails taking action to prevent individuals or groups, including settlers, from interfering with the enjoyment of rights by Palestinians.

## Settler violence: figures and trends

39. Incidents of settler-related violence continue to be recorded at an alarming rate. During the reporting period, OCHA recorded 270 such incidents, leading to the injury of 103 Palestinians, an increase in comparison with the same period in 2012, when 249 incidents were registered, resulting in injury to 97 Palestinians. During the reporting period, the Office for the Coordination of Humanitarian Affairs also recorded 30 incidents of violence perpetrated by Palestinians against settlers, in which two settlers were killed and 41 others injured, which also indicates an increase in violence against Israeli settlers, compared with the same period in 2012, when 27 incidents, leading to the injury of 38 settlers, were recorded.

40. In 2013, there has also been an increase in settler or Israeli violence against Palestinians and their property in East Jerusalem. The Office for the Coordination of Humanitarian Affairs recorded 58 such incidents during the reporting period in 2013, compared with 41 in the same period in 2012. On 14 August 2013, OHCHR documented a case in which Israeli religious students from a Talmudic school in East Jerusalem attacked a Palestinian family. According to the family, more than 40 students were hiding behind a building near to the family house, and attacked them with wooden sticks, metal bars and chains. The mother and two of her sons were hospitalized as a result of their injuries.

41. On 18 August 2013, in a case monitored by OHCHR, a 47-year-old Palestinian shepherd from the village of Mikhmas, near Ramallah, was taking his sheep through a water drainage tunnel under Road 60 to graze on privately-owned Palestinian land near the partially evacuated settler outpost of Migron, built on privately-owned Palestinian land.

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[104] A/66/364, A/67/375 and A/68/513; *The Karp Report: An Israeli Government Inquiry into Settler Violence against Palestinians in the West Bank* (Institute for Palestine Studies, 1984); reports of the Shamgar Commission (1994) and the committee headed by Talia Sasson (2005); Yesh Din, "Law Enforcement upon Israeli Civilians in the West Bank", Data sheet, March 2012.

[105] A/68/502, paras. 29-43.

[106] Hague Regulations, article 43; Fourth Geneva Convention, articles 4, 27 and 55; International Covenant on Civil and Political Rights, article 6; Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, paras. 15-18; ICJ: A/ES-10/273 and Corr.1 (note 2 above).

Residents of Mikhmas, who have experienced repeated violence by settlers from surrounding outposts and settlements, had only recently begun using the tunnel again, after hearing that the settlers had been made to leave Migron by the Israeli authorities – although the outpost had only been partially evacuated. As the shepherd passed through the tunnel, he encountered six male settlers, who beat him with metal pipes. The settlers also attacked his herd of sheep, killing two of them and causing five pregnant sheep to lose their lambs. The shepherd was eventually found unconscious next to the tunnel and taken to Ramallah Medical Complex, where he remained for four days, receiving 70 stitches in his head. Similar incidents of physical assault by settlers have been documented by OHCHR and other organizations.[107]

## Law enforcement and accountability

42. Attacks by settlers have occurred repeatedly in the same areas and often at the same times of year, raising concerns about the effectiveness of action by the Israeli authorities to prevent such violence.[108] For example, Palestinian residents of Burin and neighbouring villages in the Nablus governorate have repeatedly faced attacks on their person and property by settlers from the nearby Yitzhar and Bracha settlements.[109]

43. These trends have been thoroughly documented by the United Nations and other organizations. However the Israeli authorities still fail to protect Palestinian communities from such incidents.[110] The large and increasing number of injuries to Palestinians caused by ISF in settler-related incidents indicates that, in the context of settler violence, security forces commonly intervene to disperse Palestinians, rather than to protect them from attacks.[111] These continuing failures heighten concerns previously expressed by the Secretary-General about the willingness of Israeli security forces to undertake law enforcement in a non-discriminatory manner.[112]

44. This situation is compounded by the persistent absence of effective accountability for attacks by settlers.[113] In practice, not much has changed since the Secretary-General's previous report to the Human Rights Council (A/HRC/20/13), with the Israeli authorities continuing to fail to investigate cases effectively as required by international law. In figures recently released by the NGO Yesh Din, a staggering 97.9 per cent of cases of damage to Palestinian trees and agricultural crops between 2005 and 2013 were closed without

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[107] See www.alhaq.org/documentation/weekly-focuses/732-palestinian-shepherd-beaten-with-metal-rods-by-settlers; www.btselem.org/settler_violence/20131030_assault_on_naasan_family.

[108] The highest numbers of incidents are recorded each year in areas close to settlements, notably Nablus, Hebron and Ramallah governorates (Office for the Coordination of Humanitarian Affairs figures).

[109] See www.unrwa.org/sites/default/files/olive_harvest_continued_settler_attacks_against_refugee_livelihoods.pdf. See also A/67/375, paras. 31-33 and A/68/513, paras. 44-47; Office for the Coordination of Humanitarian Affairs map, *Palestinian villages affected by violence from Yitzhar Settlement and Outposts*, available from www.ochaopt.org/documents/ocha_opt_yitzhar_map_february_2012_map_english.pdf.

[110] For cases on 16 March, 30 April, 3 May and July 2013, see www.btselem.org/settlers_violence/20130529_sf_fail_to_protect_palestinians_from_settlers www.btselem.org/settler_violence/20131022_settlers_harras_faber_family www.btselem.org/settler_violence/20130806_settler_assault_omar_hushiyah.

[111] According to figures provided by the Office for the Coordination of Humanitarian Affairs.

[112] A/67/375, paras. 30-36.

[113] A/68/513, paras. 42-52; A/67/375, paras. 37-39; A/66/364, paras. 21-33.

indictment; in two cases the files were lost and in four cases an indictment was filed, out of an overall total of 197 cases.[114]

45. Victims interviewed by OHCHR have reported that the police have not kept them informed of any progress in investigations. For example, in a case documented by OHCHR, a man beaten unconscious by settlers and whose skull was fractured with metal piping and stones, near Silwad, Ramallah governorate, on 11 April 2013, filed a complaint on 21 April at the police station in Binyamin settlement. At the time of preparation of the present report, the police had reportedly failed to provide him with any information pertaining to his case.

46. This lack of action is in stark contrast with investigations conducted into violence against Israeli citizens in the West Bank. For example, the response to the injury of an Israeli girl in Psagot settlement on 5 October 2013 saw IDF conduct thorough search operations in the neighbouring Palestinian town of Al-Bireh, resulting in the arrest of two men on 8 October 2013.[115]

47. The Israeli authorities have announced some positive initiatives, including the formation of a special police unit to combat nationalistic hate crimes and "price tag"[116] attacks. Unfortunately, this has not been accompanied by any reduction in the number of settler-related incidents and, in fact, this type of crime is on the rise.[117] There is also a mechanism for seeking compensation for such crimes through the Ministry of Defense. However, the necessity for effective criminal accountability mechanisms remains evident. Without fundamental changes in the approach of the Israeli authorities to these types of incident, Palestinians will continue to be vulnerable to settler attacks.

## VII. Settlements in the occupied Syrian Golan

48. Israel continues to occupy the Syrian Golan despite numerous resolutions of the Human Rights Council, for example, resolution 22/26, and of the Security Council calling for an end to the occupation, including resolution 497 (1981), in which the Security Council decided that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel, the occupying power, rescind forthwith its decision. In resolution 497 (1981), the Security Council also called upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and in particular to desist from the establishment of settlements. In this regard, the Secretary-General has, in previous reports, expressed concern regarding the approximately 20,000 Israeli settlers who live in 33 settlements in the occupied Syrian Golan, and about the ongoing exploitation by Israel of natural resources in the occupied Syrian Golan, including gas, oil, wind and water (see A/68/513). It is noted that, during the universal periodic review of Israel on 29 October 2013, a number of stakeholders reiterated calls for an end to the construction of all Israeli settlements in the occupied Arab territories, including the occupied Syrian Golan.

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[114] www.yesh-din.org/userfiles/file/datasheets/data%20sheet%20oct2013/Yesh%20Din%20-%20Netunim%2010_13%20English.pdf. See also A/68/513, para. 52.

[115] OHCHR interviews with residents of Al-Bireh. See also www.jpost.com/National-News/Nine-year-old-Israel-girl-shot-in-West-Bank-327944.

[116] Strategy whereby Israeli settlers attack Palestinians and sometimes IDF in response to events or actions affecting them, such as evacuation of outposts or killings of settlers.

[117] See www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Occupied_Palestinian/files/oPt_PC_Update_Settler_Violence_October_2013_EN.pdf.

# VIII. Conclusion and recommendations

49. **Israeli settlement-related activities and settler violence are at the core of most of the violations of human rights in the Occupied Palestinian Territory, including East Jerusalem. By virtue of the interdependence of human rights, Israeli settlements and settler violence violate Palestinians' economic, social, civil and political rights.**

50. **Israel, as the occupying Power, must abide by its international treaty and customary obligations by ensuring that the Palestinian population of the Occupied Palestinian Territory is afforded the protection provided for under international humanitarian law, and by respecting, protecting and fulfilling Palestinians' rights so as to enable them to fully enjoy their rights under international human rights law.**

51. **Israel is obligated to comply with its commitments as set out in the Quartet road map, including by immediately ceasing the transfer of its population to the Occupied Palestinian Territory and by ending and reversing all settlement activity.**

52. **Israel should cease all settlement activity and exploitation of natural resources in the occupied Syrian Golan, implement relevant United Nations resolutions, including Security Council resolution 497 (1981), and withdraw from territories occupied in 1967.**

53. **It is incumbent on Israel to cease the violations of Palestinians' human rights resulting from discriminatory and unlawful planning policies, laws and practices. Israel has to, in compliance with international law, amend the planning legislation and processes in order, in particular, to ensure the security of tenure and the full participation of Palestinians. Israel must also refrain from implementing evictions and demolition orders based on discriminatory and illegal planning policies, laws and practices.**

54. **Israel must, as a matter of urgency, enhance its efforts to combat settler violence in the West Bank, including East Jerusalem. It must take all necessary measures, including preventive measures, to protect Palestinians and their property, and to ensure that Palestinians have regular and unhindered access to their land, particularly, but not exclusively, in areas where the patterns of reported incidents show that Palestinians are especially vulnerable. Any law enforcement or protection measures must be carried out in a non-discriminatory manner.**

55. **Israel is obligated to ensure that all acts of violence committed by Israeli settlers against Palestinians and their property are investigated promptly, thoroughly, effectively, independently, impartially and in a non-discriminatory manner. Investigations should be subject to public scrutiny and allow for victims' participation. Victims should be kept regularly and promptly informed of the progress and developments in investigations. Individuals who are responsible for violations should be prosecuted and victims should be provided with an effective remedy.**